



Sen. Linda Holmes

Filed: 4/13/2016

09900SB0321sam001

LRB099 02941 AWJ 47433 a

1 AMENDMENT TO SENATE BILL 321

2 AMENDMENT NO. _____. Amend Senate Bill 321 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The River Edge Redevelopment Zone Act is
5 amended by changing Section 10-10.1 as follows:

6 (65 ILCS 115/10-10.1)

7 (Section scheduled to be repealed on July 29, 2017)

8 Sec. 10-10.1. Utility facilities.

9 (a) It is in the public interest that costs for
10 redevelopment in a River Edge Redevelopment Zone impacting a
11 public utility, as defined by Section 3-105 of the Public
12 Utilities Act, or a public utility's property, as described in
13 subsection (b) of this Section, should not be allocated solely
14 to the entity engaging in economic redevelopment because this
15 economic redevelopment benefits the utility service territory
16 as a whole and not just the particular area where the

1 redevelopment occurs.

2 (b) A public utility that has facilities or land affected
3 by the clean-up, remediation, and redevelopment of a River Edge
4 Redevelopment Zone and that incurs costs related to the
5 remediation or the removing or relocating of utility facilities
6 in the River Edge Redevelopment Zone may recover these costs
7 pursuant to subsections (c) and (d) of this Section.

8 (c) The reasonable and prudent costs incurred by a public
9 utility for facility removal or relocation described in
10 subsection (b) of this Section shall be shared equally among
11 the public utility, the municipality in which the facility is
12 located, and any landowner that is located within 100 feet of
13 the utility facility and that directly benefits from the
14 removal or relocation of the utility facility or the
15 redevelopment of the public utility's land. In no event shall
16 the costs incurred by each municipality or landowner for a
17 given project exceed an equal percentage of the total direct,
18 indirect, and overhead project costs, or \$3,667,000 each,
19 whichever amount is less. The reasonable and prudent costs
20 incurred by the public utility for facility removal or
21 relocation that are not the responsibility of the municipality
22 or landowner under this subsection (c) shall be recovered by
23 the public utility from all retail customers located in the
24 municipality or municipalities in which the removal or
25 relocation occurs through an appropriate tariff mechanism, and
26 the public utility may record and defer such costs as a

1 regulatory asset until they are so recovered.

2 (d) The Illinois Commerce Commission shall allow a public
3 utility described in subsection (b) to fully recover from all
4 retail customers in its service territory all reasonable and
5 prudent costs that it incurs in conducting environmental
6 remediation in the River Edge Redevelopment Zone related to the
7 removal or relocation of utility facilities in the River Edge
8 Redevelopment Zone, including, but not limited to,
9 transmission and distribution lines, transformers, and poles.
10 These environmental remediation costs also include, but are not
11 limited to, direct, indirect, and overhead costs calculated by
12 the public utility for taxes or other charges, cost adjustments
13 made after the project has begun, and any other environmental
14 remediation-related charges. The public utility shall record
15 and defer such costs as a regulatory asset to be included in
16 the public utility's total rate base and amortized in the
17 public utility's next filing for a general increase in rates
18 over a reasonable period that is shorter than the life of the
19 affected facility or facilities. Such regulatory assets shall
20 be collected from all residential and commercial ratepayers
21 system-wide, and not only from ratepayers in the municipality's
22 corporate limits. In the event the River Edge Redevelopment
23 Zone is decertified, the public utility shall be permitted to
24 recover all reasonable and prudent costs incurred as of the
25 date of the decertification, as well as all reasonable and
26 prudent costs incurred subsequent to decertification that are

1 necessary to complete any projects commenced while the River
2 Edge Redevelopment Zone was certified, consistent with this
3 Section.

4 (e) This Section is repealed on August 1, 2020 ~~7 years~~
5 ~~after the effective date of this amendatory Act of the 96th~~
6 ~~General Assembly.~~

7 (Source: P.A. 96-1404, eff. 7-29-10.)".